

**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known****TOTAL AMOUNT OF PAYMENT** (\$) 1962

Application Number	09/668,144
Filing Date	September 25, 2000
First Named Inventor	WILLIAMS
Examiner Name	Colaianni, M.
Group / Art Unit	1731
Attorney Docket No.	04859.00006

**METHOD OF PAYMENT (check one)**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit  
Account  
Number

19-0733

Deposit  
Account  
Name

Banner &amp; Witcoff, LTD

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status.  
See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)**

(\$ 0)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
64	31	18	558
12	8	84	672
			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)**

(\$ 1230)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

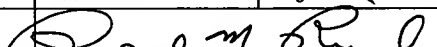
Other fee (specify) Difference in filing fee for large entity + Term. Disc.

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 732)

622  
+110**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Paul M. Rivard	Registration No. Attorney/Agent)	43,446	Telephone	(202) 508-3900
Signature				Date	December 5, 2001

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Dec 5 2001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Jonnie R. WILLIAMS	)	
	)	
Serial No.: 09/668,144	)	Group Art Unit: 1731
	)	
Filed: September 25, 2000	)	Examiner: M. Colaianne
	)	
For: METHOD OF TREATING TOBACCO TO	)	Atty. Dkt. No.: 04859.00006
REDUCE NITROSAMINE CONTENT, AND	)	
PRODUCTS PRODUCED THEREBY	)	

**SUBMISSION UNDER 37 C.F.R. § 1.28**

The Honorable Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.28, Applicant hereby pays the difference between the Filing Fee previously paid in the small entity amount and the current Filing Fee amount for a non-small entity. By rule, this submission also operates to advise the USPTO pursuant to 37 C.F.R. § 1.27(g)(2) that small entity status no longer is claimed in the above-captioned application. See 37 C.F.R. § 1.28(d).

**Statement of Facts**

1. During August 2000, Regent Court Technologies (at all times assignee) and Star Tobacco & Pharmaceuticals, Inc. (then the exclusive licensee) entered into a restated loan agreement with Brown & Williamson Tobacco Corporation ("B&W"). In connection with the restated loan agreement, Regent Court Technologies ("Regent Court") and Star Tobacco & Pharmaceuticals, Inc. ("Star") granted to B&W a security interest. As a security interest, B&W could exercise a royalty free license to practice the invention of the subject application only upon an uncured default in the loan agreement on the part of Regent Court or Star.
2. The undersigned was unaware of the August 2000 security interest granted to B&W at the time the Filing Fee was paid, so that any possible relevance of that security interest was not considered. The Filing Fee was paid on the basis of small entity status, a status which was applicable to both Regent Court and Star as small business concerns.
3. The undersigned believes that at the time the Filing Fee was paid, B&W, though clearly not a small business concern, did not own "rights in the invention" within the meaning of 37 C.F.R. §

B

1.27(a)(2)(i), i.e., "those [rights] in the United States to be covered by the application or patent." M.P.E.P. § 509.02. It is believed that the payment of the Filing Fee in the small entity amount was appropriate under 37 C.F.R. § 1.27(a)(2) because each entity then owning rights in the invention qualified as a small business concern.

4. Nonetheless, out of an abundance of caution and to put any possible later challenge to rest, Applicant wishes to withdraw its claim to small entity status and hereby authorizes payment of a full Filing Fee in the subject application.

Payment of Deficiency Owed Pursuant to 37 C.F.R. § 1.28(c)(2)(ii)

Please charge \$ 622 for the Filing Fee and surcharge deficiency to our Deposit Account 19-0733. The deficiency is calculated as follows (the fees are based on claims as originally filed):

	<u>Current Fee for Non-Small Entity</u>	<u>Amount Previously Paid</u>	<u>Deficiency Owed</u>
\$ 740	base filing fee	\$ 345	\$ 395
\$ 84	one (1) independent claim in excess of 3	\$ 39	\$ 45
\$ 234	13 dependent claims in excess of 20	\$ 117	\$ 117
\$ 130	surcharge for late filing of declaration	\$ 65	\$ 65
<b>TOTAL</b>	<b>\$ 1188</b>	<b>\$ 566</b>	<b>\$ 622</b>

If the calculated amount is incorrect, the Director is authorized to charge any deficiency or credit any overpayment to our Deposit Account 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Paul M. Rivard  
Paul M. Rivard  
Registration No. 43,446

Date: December 5, 2001

Eleventh Floor  
1001 G Street, N.W.  
Washington, DC 20001-4597  
(202) 508-9100

Customer Number 22907